

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36065

SAN PEDRO PENINSULA HOMEOWNER’S UNITED INC., JOHN TOMMY ROSAS,
TRIBAL ADMINISTRATOR, TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION—
PETITION FOR DECLARATORY ORDER

Decided: September 30, 2016

On September 12, 2016, San Pedro Peninsula Homeowner’s United Inc. and John Tommy Rosas, Tribal Administrator, Tongva Ancestral Territorial Tribal Nation (Petitioners) filed a petition for declaratory order, requesting that the Board issue an order regarding a “temporary rail permit” issued to Rancho LPG Holdings, LLC (Rancho LPG), a corporate affiliate and subsidiary of Plains All-America Pipeline (Plains), by the Port of Los Angeles, which they state governs the use of a rail spur to access a liquefied petroleum gas storage facility owned by Rancho LPG.¹

On September 26, 2016, the City of Los Angeles (City), acting by and through its Board of Harbor Commissioners, filed a request to extend the deadline for replies to October 31, 2016. The City states that good cause exists to extend the deadline so that the City has adequate time to gather and review documentation covering over forty years of activity that the petition draws into question. The City states that additional time would allow the City to present to the Board a complete record as to the issues presented in the petition as they pertain to the Port of Los Angeles and that such issues implicate matters of public interest.

Also on September 26, 2016, Plains filed a request to extend the deadline for replies to October 24, 2016. Plains states that it recently retained outside counsel and that additional time is needed to allow its new counsel to review the pleadings and documents to formulate a reply. Plains further notes that Petitioners did not serve the petition on Pacific Harbor Line, Inc. (PHL), and its owner, Anacostia Rail Holdings Company (Anacostia), until September 23, 2016. Plains states that PHL and Anacostia concur with the extension request.²

¹ On September 23, 2016, Petitioners filed an amended certificate of service to include two additional parties.

² In conjunction with its request, Plains requests that the Board waive its requirement that a request for an extension of time be filed not less than 10 days before the due date, under 49 C.F.R. § 1104.7(b). That waiver request is granted.

Under 49 C.F.R. § 1104.7(b), the Board has discretion to extend the time period for replies upon request and with good cause. Good cause exists for the requested extension. Parties have shown that additional time is needed to consider and appropriately address the issues raised in the petition. Therefore, the deadline for replies to the petition will be extended to October 31, 2016.

It is ordered:

1. Replies to the petition are due by October 31, 2016.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings